

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

ENTERED

AUG 16 2002

SAMUEL L. KAY, CLERK  
U. S. District & R  
Southern District of West V

IN RE: SERZONE  
PRODUCTS LIABILITY LITIGATION

MDL NO. 1477

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THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER #1**

The court finds that the civil actions transferred to this court and listed on Schedule A merit special attention as complex litigation and **ORDERS:**

1. Prior to the initial pretrial conference and the entry of a comprehensive order governing all further proceedings in this case, the provisions of this Order shall govern the practice and procedure in actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to its order of August 12, 2002. Those cases are listed on Schedule A attached to this Order. This Order also will apply to any "tag-along actions" later filed in, removed to, or transferred to this court, and any related actions subsequently filed in this court or otherwise transferred or removed to this court.
2. The actions described in paragraph 1 of this Order are consolidated for pretrial purposes only.
3. The Clerk of the court will maintain a master docket case under the style "In Re: Serzone Products Liability Litigation" and the identification "MDL No. 1477." When a pleading is intended to be applicable to all actions, this shall be indicated by the words: "This Document

Relates to ALL CASES." When a pleading is intended to apply to less than all cases, this court's docket number for each individual case to which the document number relates shall appear immediately after the words: "This Document Relates to . . . ." The following is a sample of the pleading style:

In Re: Serzone  
Products Liability Litigation

MDL No. 1477

This Document Relates to . . . :

4. Any paper filed in any of these actions shall be filed with the Clerk of this court and not with the transferor district court.
5. All matters relating to pretrial and discovery proceedings in these cases will be addressed at an initial pretrial conference to be held on September 23, 2002, at 10:00 a.m., in Judge Joseph R. Goodwin's courtroom, Room 5000, United States Courthouse, 300 Virginia St. East, Charleston, West Virginia. Counsel are expected to familiarize themselves with the *Manual for Complex Litigation* (3d 1995) (MCL 3d) and be prepared at the conference to suggest procedures that will facilitate the expeditious, economical, and just resolution of this litigation. The items listed in MCL 3d sections 21.21, 21.211, 21.212, and 21.213 shall, to the extent applicable, constitute a tentative agenda for the conference. Counsel shall confer and agree to the extent possible regarding the agenda, including a proposed discovery plan, amendment of pleadings, consideration of any class action allegations, and motions. The parties should fax or submit to the court any suggestions regarding case management orders or additional agenda items by September 18, 2002. The court's fax number is (304) 347-3193.

6. Plaintiffs and the defendant shall submit to the court by September 18, 2002, a brief written statement indicating their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues. These statements will not be filed with the Clerk of the court, will not be binding, will not waive claims or defenses, and may not be offered in evidence against a party in later proceedings. The statements shall list all pending motions, all related cases pending in state or federal court, and the status of those cases, including any discovery to the extent known. Each party is limited to one submission.
7. Each party represented by counsel shall appear at the initial pretrial conference through his or her attorney, who will have primary responsibility for the party's interest in this litigation. Parties not represented by counsel must appear in person. Attendance at the conference will not waive objections to jurisdiction, venue, or service.
8. Prior to the initial pretrial conference, service of all papers shall be made on each of the attorneys on the Panel Attorney Service List attached to this Order, and designated as Schedule B. Any attorney who wishes to have his/her name added to or deleted from the Panel Attorney Service List may do so upon request to the Clerk and notice to all other persons on the service list. The parties shall present to the court at the initial conference a list of attorneys and their addresses, fax numbers, and e-mail addresses.
9. Each defendant is granted an extension of time for responding by motion or answer to the complaint(s) until a date to be set by this court. Pending the initial conference and further orders of this court, all outstanding discovery proceedings are stayed, and no further discovery shall be initiated. All pending motions must be re-noticed for resolution in a separate motion after the court's initial conference.

10. Any orders, including protective orders, previously entered by a transferor court, shall remain in full effect unless modified by this court.
11. Only a signed original of any pleading or paper needs to be filed with the Clerk of the court. The Clerk is directed to make all entries on the master docket sheet with a notation listing the cases to which the document applies, except that a document closing a case also will be entered on the individual docket sheet. All documents shall be filed in the master file. In addition, counsel shall deliver to the assigned judicial officer copies of each motion, supporting memoranda, and supporting materials.
12. When an action that properly belongs as a part of In re: Serzone Prods. Liability Litigation is filed in the Southern District of West Virginia or transferred here from another court, the Clerk of this court shall:
  - a. File a copy of this Order in the separate file for such action;
  - b. Make an appropriate entry on the master docket sheet;
  - c. Mail to the attorneys for the plaintiff in the newly filed or transferred case a copy of this Order; and
  - d. Mail to the attorneys for the defendant in the newly filed or transferred cases a copy of this Order upon the first appearance of a new defendant.
11. Counsel who appeared in a transferor court prior to transfer need not enter an additional appearance before this court. Attorneys admitted to practice and in good standing in any United States District Court are admitted pro hac vice in this litigation, and the requirements of Local Rule of General Practice and Procedure 2.02 (also known as the Uniform Rule of Practice and Procedure 83.2) are waived. Association of local counsel is not required.

12. Hearings shall not be held on motions except by order of this court.
13. If a case is remanded, the parties shall furnish to the Clerk of the court a stipulation or designation of the contents of the record and furnish all necessary copies of any pleadings or files.
14. In accordance with Rule 5(d) of the Federal Rules of Civil Procedure, discovery requests and responses are not to be filed with the Clerk of the court nor sent to the Judge's chambers, except when specifically ordered by the court.
15. Prior to the initial conference, counsel for parties whose interests are similarly aligned shall submit three recommendations for liaison counsel. The parties should submit the recommendations along with the individuals' resume or curriculum vitae, educational background, licensing status, a short list of relevant experience with cases in similar areas, and a certificate of good standing from the highest court from the individuals' jurisdiction. At this stage, the liaison counsel will be responsible for coordinating administrative matters. The duties of liaison counsel are enumerated in the *Manual for Complex Litigation*. The court will select liaison counsel based on the recommendations submitted and supporting materials.
16. Unless otherwise ordered by this court, all substantive communications with the court shall be in writing, with copies to opposing counsel. The communication of information among and between plaintiffs' counsel shall not be deemed a waiver of the attorney-client privilege or the protection afforded attorney's work product.

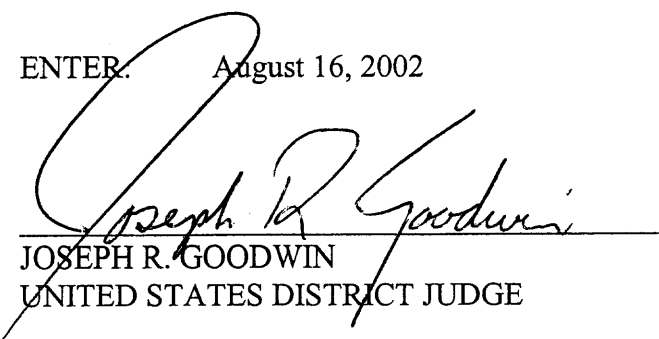
Significant orders and opinions of this court will be published on the court's website under the category ORDERS: <http://www.wvsc.uscourts.gov/serzone/>

The ORDERS repository may not be a complete inventory of all decisions. These electronic versions are not official documents of record; the official records are available at the Clerk's office.

The court **DIRECTS** the Clerk to send a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation, One Columbus Circle, NE, Thurgood Marshall Federal Judiciary Building, Rm. G-255, North Lobby, Washington, D.C. 20002, counsel of record, and any unrepresented party.

ENTER.

August 16, 2002



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: SERZONE  
PRODUCTS LIABILITY LITIGATION

MDL NO. 1477

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THIS DOCUMENT RELATES TO ALL CASES

SCHEDULE A

Eastern District of Louisiana

*Andrea B. Cheramie, et al. v. Bristol-Myers Squibb Co.*, S.D. W. Va. C.A. No. 2:02-1030 (formerly C.A. No. 2:02-910)

Middle District of Louisiana

*Melva L. Duplessie, et al. v. Bristol-Myers Squibb Co.*, S.D. W. Va. C.A. No. 2:02-1031 (formerly C.A. No. 3:02-322)

Western District of Louisiana

*William Collins v. Bristol-Myers Squibb Co.*, S.D. W. Va. C.A. No. 2:02-1032 (formerly C.A. No. 1:02-638)

*Joseph I. Viator, et al. v. Bristol-Myers Squibb Co.*, S.D. W. Va. C.A. No. 2:02-1033 (formerly C.A. No. 2:02-637)

*Judy Owens, et al. v. Bristol-Myers Squibb Co.*, S.D. W. Va. C.A. No. 2:02-1034 (formerly C.A. No. 6:02-680)

Northern District of Mississippi

*Sherry Hayden, et al. v. Bristol-Myers Squibb Co.*, S.D. W. Va. C.A. No. 2:02-1035 (formerly C.A. No. 4:02-86)

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**SCHEDULE B**

**Attorney - Firm**

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**Represented Party(s)**

Collins, William

Conrad, Effie; Haydon, Sherry;  
Littleton, Bonnie

Bovia, Rhonda F.; Cheramie, Andrea B.;  
Debate, Robin G.; Duplessie, Melva L.; Gros,  
Troy J.; Guillorty, Nerrel W.;  
Harmon, Julian S.; Lewis, Hermaine B.;  
Marcel, Carol P.; Simon, Donna S.;  
Turner, Deborah F.; Viator, Joseph I.

Alpough, Carl; Bell, Viola; Francois, Susan  
Marie; Owens, Judy; Tate, Clifton



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Bristol-Myers Squibb Co.